

[1]

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

ORDER

Mohd. Imran Vs. State of Rajasthan & Ors.
D.B. HABEAS CORPUS WRIT PETITION NO.60/2006

Writ Petition under Article 226 of the Constitution
of India.

DATE OF ORDER ::

21st February, 2007.

PRESENT

HON'BLE MR.JUSTICE S. P. PATHAK

HON'BLE MR.JUSTICE G. S. SARRAF

Mr. Dharmendra Jasmatiya on behalf of Mr. H.M. Saraswat
for petitioner.

Mr. S.K. Vyas, G.A.

Mr. Himanshu Maheshari for respondent No.4 & 6.

Miss.Yogita Mohnani assisting lawyer.

By this D.B. Habeas Corpus petition, petitioner
Mohd. Imran s/o Mohd. Hazi, who is brother of Nazneen, in
this petition moved under Article 226 of the Constitution
has prayed for a direction to the respondents to produce the
corpus before the Court.

A reply to the writ petition has been filed on
behalf of respondent No.1 to 3.

After several efforts, the corpus has been produced in the Court today at about 10:30 in the morning. Mst. Nazneen, who is a married lady having a child in her lap, is major. She was sent in the Chambers in the company of Advocate Miss. Yogita Mohnani and there she remained for two hours. After 2 hours, we asked from her questions in relation to her willingness and desire as to the place where she would like to go. She was also put questions to know her feelings and desire to go to her parents' house or to the house of the husband. She showed her reluctance to go to the above stated two places and replied to the questions saying that she would like to go to Jaisalmer where she is living at present in a rented accommodation and also stated that she is self sufficient and competent to maintain herself and her child. She rather complained that her in-laws including husband had maltreated her, therefore, she is not willing to go with them. In these circumstances, she was asked to write down whatever she wanted to say and Mst. Nazneen, thereafter recorded her statement in our presence and also in the presence of her mother Shamim Bano, brother Mohd. Imran, Mr. Dharmendra Jasmatiya, counsel for the

petitioner and Mr. S.K. Vyas, G.A.

We have seen the statement recorded, which is reduced in writing by Corpus Smt. Nazneen. The pith and substance of the statement is that she was maltreated by her in-laws and now she is not willing to go either to her father's place or to her husband's place. She has also stated in the statement that she wants to go to Jaisalmer and for that proper arrangements may be made.

After perusal of the statement of Mst. Nazneen carefully, which has been reduced in writing by her, and also taking into consideration the entire facts and circumstances of the case and further considering this aspect of the matter that she is major and in so many specific words has disclosed her desire to be left at her rented premises in Jaisalmer, we are satisfied that the statement, which has been reduced in writing by Mst. Nazneen is a statement made by her at her own free will and there appears no compulsion in the statement, which may in any manner be termed against her desire. Therefore, we deem it proper to pass following order:

[4]

Smt. Nazneen, is major and has voluntarily stated before the Court that she wants to go to her desired place at Jaisalmer, therefore, it shall now be the responsibility of C.I. Mr. Gopal Singh Bhati, who is present in the Court and has brought and produced Smt. Nazneen before the Court, to make all proper arrangements and to escort her upto Jaisalmer and drop her at her desired place.

In view of above directions, no cause remains to be decided in this writ petition. However, before parting with the order, we would like to make a mention here that it was because of the efforts made by the respondents and in particular C.I. Mr. Gopal Singh Bhati that the corpus could be produced before the Court. We appreciate his efforts.

The petition stands disposed of.

(G.S. SARRAF)J.

(SATYA PRAKASH PATHAK)J.

/jpa